

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DOUG WILSON, <i>et al.</i> ,]	CASE NO. 4:13-cv-1129
]	
<i>Plaintiffs,</i>]	
]	
v.]	COLLECTIVE ACTION
]	
DYNAMIC ENERGY SERVICES, LLC, <i>et al.</i> ,]	
]	
<i>Defendants.</i>]	
]	

ORDER APPROVING SETTLEMENT

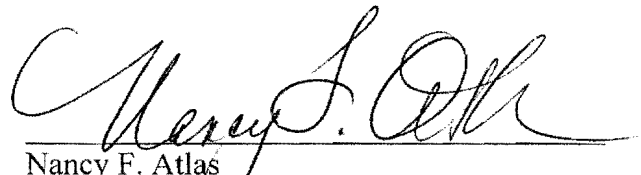
This is a collective action seeking unpaid overtime wages pursuant to the Fair Labor Standards Act (FLSA). *See* 29 U.S.C. § 216(b). “The FLSA establishes federal minimum-wage, maximum-hour, and overtime guarantees that cannot be modified by contract.” *Genesis Healthcare Corp. v. Symczyk*, 133 S. Ct. 1523, 1527 (2013). However, “FLSA claims may be compromised after the court reviews and approves a settlement in a private action for back wages under 29 U.S.C. § 216(b).” *Villeda v. Landry’s Restaurants, Inc.*, CIV.A H-08-2287, 2009 WL 3233405, *1 (S.D. Tex. Oct. 7, 2009) (citing *Lynn’s Food Stores, Inc. v. U.S. Dep’t of Labor*, 679 F.2d 1350, 1353 (11th Cir.1982)). With the aid of mediator Gloria Portela, the parties in this case have reached a proposed settlement and request court approval.

The Court reviewed the proposed Collective Action Settlement Agreement (Agreement) *in camera*. The Court also held a hearing during which Plaintiffs’ counsel explained the issues in the case and provided additional detail on why the proposed settlement represents a reasonable compromise of the Plaintiffs’ FLSA claims. Based on the foregoing, the Court finds the parties’

Agreement to be a "fair and reasonable" compromise of the FLSA claims for the plaintiffs identified in Exhibit A to the Agreement.

The parties are directed to execute the Agreement within the next 7 calendar days. Defendants are directed to mail all payments required by the Agreement to Plaintiffs' counsel on December 31, 2013. Once Plaintiffs' counsel has confirmed receipt of the required payments, Defendants shall file a proposed judgment dismissing this case with prejudice.

SIGNED at Houston, Texas on December 16, 2013.


Nancy F. Atlas
United States District Judge